

Tabolsky, Marc

From: Barrow, Hunter M. [Hunter.Barrow@tklaw.com]
Sent: Saturday, February 08, 2014 3:51 PM
To: Tabolsky, Marc; Chris Hanslik
Cc: Anne Rodgers (anne.rodgers@nortonrosefulbright.com); Stern, Karl S.;
david.gersch@aporter.com; Katerberg, Robert J.; J Johnston (jjohnston@velaw.com);
mo@taherzadehlaw.com
Subject: RE: Jury

To be clear and as I told you over the phone on Thursday, I am not going to produce our notes, and we strongly disagree with your allegation and position.

Hunter M. Barrow | Thompson & Knight LLP

Partner
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From: Tabolsky, Marc [mailto:mtabolsky@yettercoleman.com]
Sent: Saturday, February 08, 2014 3:14 PM
To: Chris Hanslik
Cc: Anne Rodgers (anne.rodgers@nortonrosefulbright.com); Stern, Karl S.; Barrow, Hunter M.;
david.gersch@aporter.com; Katerberg, Robert J.; J Johnston (jjohnston@velaw.com); mo@taherzadehlaw.com
Subject: RE: Jury

Chris,

We are available to confer re: hardships at 3pm tomorrow. More importantly, none of the defendants have responded to my Thursday email regarding the 90-minute presence in the venire jury room of a member of the defense team. Through this ex parte observation, and subsequent communications, the defense team has secured an unfair advantage for jury selection, which has tainted the venire and case going forward. This includes the meet-and-confer tomorrow, given that the defense team has unique information about the venire that it improperly obtained. While we will meet and confer as ordered, we nonetheless will seek from the Court all remedies necessary to undo the harm caused by defendants' unauthorized conduct.

Marc

Marc S. Tabolsky
Partner

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From: Chris Hanslik [<mailto:chanslik@boyarmiller.com>]
Sent: Saturday, February 08, 2014 11:46 AM
To: Tabolsky, Marc; mo@taherzadehlaw.com
Cc: Anne Rodgers (anne.rodgers@nortonrosefulbright.com); Karl Stern (kstern@velaw.com); 'Barrow, Hunter M.'; david.gersch@aporter.com; Katerberg, Robert J.; J Johnston (jjohnston@velaw.com)
Subject: Jury [IWOV-Interwoven.FID277464]

Marc/Mo,

When would you like to get together to discuss potential agreements regarding hardships, etc. as instructed by Judge Hoyt?

-Chris

Chris Hanslik
Chairman

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